IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

FRIDAY THE TWENTY SECOND DAY OF DECEMBER TWO THOUSAND AND SIX

: PRESENT :

THE HON'BLE SMT JUSTICE: **T.MEENA KUMARI**

AND

THE HON'BLE SRI JUSTICE: **N.V. RAMANA**

CMA. Nos.1354, 1356. 1358 & 1363 of 2004

CMA.No. 1354 of 2004:

(Appeal under Section 173(1) of the Motor Vehicles Act 1988 preferred against the Judgment & decree of the Court of the Chairman, III Motor Vehicles Accidents Claims Tribunal at Warangal made in OP.No. 648 of 2001 dt. 19-12-2003)

Between:

National Insurance Company Ltd., rep. by its Branch Manager, H.No. 3-3-42, 1st Floor, Vir Savarkar Marg, Kachiguda, Hyderabad.

...Appellant/Respondent No.3.

AND

1. Smt. A.Rama Mani, W/o. Late A.Sudhakar, R/o. Naimnagar, Hanamkonda of Warangal City.
2. A.Jeevan Raju, S/o. Late Dr. A.Sudhakar, R/o. Naimnagar, Hanamkonda of Warangal City.
3. A.Harikrishna, S/o. Late Dr. A.Sudhakar, R/o. Naimnagar, Hanamkonda of Warangal City.
4. A.Tharam, S/o. Late Dr. A.Sudhakar, R/o. Naimnagar, Hanamkonda of Warangal City.
5. Smt. A.Kankamma, W/o. Late Mogulaiah, R/o Naimnagar, Hanamkonda of Warangal City. Respondents/Petitioners
6. Buduma Narsimha, S/o. Kotaiah, R/o. Mallaram Village, Bommala Ramaram Mandal, Nalgonda District.
7. Bathula Raja Gopal Reddy, S/o. Thirupathi Reddy, R/o. H.No. 3-43/G, Nagaram Village of Keesara Mandal, Ranga Reddy District.
8. The Oriental Insurance Company ltd., rep. by its Branch Manager, J.P.N.Road, Warangal – 506 002.

(Respondent Nos. 2 to 4 being minors, rep. by their mother and natural guardian R-1).

Respondents/Respondent Nos. 1,2 & 4

The Appeal coming on for hearing upon perusing the Petition and the Grounds filed herein and the orders of the High Court dated. 30-04-2004 & 24-06-2004 made in CMP.Nos. 10384/2004 & 11593/2004 and upon hearing the arguments of Sri T.Mahender Rao, Advocate for the Appellant and of Sri G.Anandam, Advocate for the Respondents 1 to 5 and of Mrs. A.Anasuya, Advocate for the Respondent No.8.

CMA.No. 1356 of 2004:

(Appeal under Section 173(1) of the Motor Vehicles Act 1988 preferred against the Judgment & decree of the Court of the Chairman, III Motor Vehicles Accidents Claims Tribunal at Warangal made in OP.No. 437 of 2000 dt. 19-12-2003)

Between:

National Insurance Company Ltd., rep. by its Branch Manager, H.No. 3-3-42, 1st Floor, Vir Savarkar Marg, Kachiguda, Hyderabad.

...Appellant/Respondent No.3.

AND

1. Akavaram Saroja, W/o. Dr.A.L.N.Chary, R/o. H.No. 1-8-519, Balasamudram, Hanamkonda, Warangal District.

..2..

2. Akavaram Srinivas, S/o. Dr. A.L.N.Chary, R/o. H.No. 1-8-519, Balasamudram, Hanamkonda, Warangal District.

   Respondents/Petitioners
3. Buduma Narsimha, S/o. Kotaiah, R/o. Mallaram Village, Bommala Ramaram Mandal, Nalgonda District.
4. Bathula Raja Gopal Reddy, S/o. Thirupathi Reddy, R/o. H.No. 3-43/G, Nagaram Village of Keesara Mandal, Ranga Reddy District.
5. The Oriental Insurance Company ltd., rep. by its Branch Manager, J.P.N.Road, Warangal – 506 002.

Respondents/Respondent Nos. 1,2 & 4

The Appeal coming on for hearing upon perusing the Petition and the Grounds filed herein and the orders of the High Court dated. 29-04-2004 & 05-11-2004 made in CMP.Nos. 10394/2004 & 14865/2004 and upon hearing the arguments of Sri T.Mahender Rao, Advocate for the Appellant and of Sri Ch.Purna Chandra Rao, Advocate for the Respondents 1 & 2 and of Mrs. A.Anasuya, Advocate for the Respondent No.5.

CMA.No. 1358 of 2004:

(Appeal under Section 173(1) of the Motor Vehicles Act 1988 preferred against the Judgment & decree of the Court of the Chairman, III Motor Vehicles Accidents Claims Tribunal at Warangal made in OP.No. 647 of 2001 dt. 19-12-2003)

Between:

National Insurance Company Ltd., rep. by its Branch Manager, H.No. 3-3-42, 1st Floor, Vir Savarkar Marg, Kachiguda, Hyderabad.

...Appellant/Respondent No.3.

AND

1. Smt. B.Durga Bai, W/o. Late B.Samba Murthy.
2. Kumari B.Srujana, D/o. Late Dr. B.Samba Murthy.
3. Kumari B.Sruthi, D/o. Late Dr. B.Samba Murthy.

4. Kumari B.Sruma, D/o. Late Dr. B.Samba Murthy.
5. Smt. B.Uppalamma, W/o. B.Komuraiah.
6. Kumari B.Komuraiah, S/o. Ellaiah.
   (All are R/o. Industrial Colony, Narasaraopet Road, Warangal).

   Respondents/Petitioners
7. Buduma Narsimha, S/o. Kotaiah, R/o. Mallaram Village, Bommala Ramaram Mandal, Nalgonda District.
8. Bathula Raja Gopal Reddy, S/o. Thirupathi Reddy, R/o. H.No. 3-43/G, Nagaram Village of Keesara Mandal, Ranga Reddy District.
9. The Oriental Insurance Company ltd., rep. by its Branch Manager, J.P.N.Road, Warangal – 506 002.
   (Respondent Nos. 2 to 4 being minors, rep. by their mother and natural guardian R-1).

Respondents/Respondent Nos. 1,2 & 4

The Appeal coming on for hearing upon perusing the Petition and the Grounds filed herein and the orders of the High Court dated. 29-04-2004, 24-06-2004 & 07-07-2004 made in CMP.Nos. 10405/2004, 11584/2004 & 11990/2004 and upon hearing the arguments of Sri T.Mahender Rao, Advocate for the Appellant and of Sri G.Anandam, Advocate for the Respondents 1 to 6 and of Mrs. A.Anasuya, Advocate for the Respondent No.9.

..3..

CMA.No. 1363 of 2004:

(Appeal under Section 173(1) of the Motor Vehicles Act 1988 preferred against the Judgment & decree of the Court of the Chairman, III Motor Vehicles Accidents Claims Tribunal at Warangal made in OP.No. 646 of 2001 dt. 19-12-2003)

Between:

National Insurance Company Ltd., rep. by its Branch Manager, H.No. 3-3-42, 1st Floor, Vir Savarkar Marg, Kachiguda, Hyderabad.

...Appellant/Respondent No.3.

AND

1. Smt. V.Ramapreethi Krishna, W/o. Late Dr. V.Malleshwar, R/o. Ganesh Colony, Deshaipet Road, Warangal.
2. Kum. V.Sravan, S/o. Late Dr. V.Malleshwar, R/o. Ganesh Colony, Deshaipet Road, Warangal.
3. Kum. V.Swetha, D/o. Late Dr. V.Malleshwar, R/o. Ganesh Colony, Deshaipet

Road, Warangal.

4. Smt. V.Susheela, W/o. Ramalingam, R/o. Ganesh Colony, Deshaipet Road, Warangal.
5. V.Ramalingam, S/o. Gopaiah, R/o. Ganesh Colony, Deshaipet Road, Warangal.

Respondents/Petitioners

6. Buduma Narsimha, S/o. Kotaiah, R/o. Mallaram Village, Bommala Ramaram Mandal, Nalgonda District.
7. Bathula Raja Gopal Reddy, S/o. Thirupathi Reddy, R/o. H.No. 3-43/G, Nagaram Village of Keesara Mandal, Ranga Reddy District.
8. The Oriental Insurance Company ltd., rep. by its Branch Manager, J.P.N.Road, Warangal – 506 002.

(Respondent Nos. 2 & 3 being minors, rep. by their mother and natural guardian Smt. V.Ramapreethi Krishna R-1).

Respondents/Respondent Nos. 1,2 & 4

The Appeal coming on for hearing upon perusing the Petition and the Grounds filed herein and the orders of the High Court dated. 29-04-2004, 24-06-2004 &07-07-2004 made in CMP.Nos. 10424/2004, 11585/2004 & 11991/2004 and upon hearing the arguments of Sri T.Mahender Rao, Advocate for the Appellant and of Sri G.Anandam, Advocate for the Respondents 1 to 5 and of Mrs. A.Anasuya, Advocate for the Respondent No.8.

The Court made the following **ORDER:**

" Pursuant to the order dated. 1-9-2006, the counsel for appellant sent personal notice on respondent Nos. 6,7 and 8. Notice on R-6 served and for R-8 appearance has been made on record.

Learned counsel for the appellant submitted that the notice sent to the respondent No.7 was returned as not claimed and he filed a memo to that effect and seeks permission of the court to issue notice by way of paper publication.

In view of the above submission, permission is accorded to the counsel for appellant to take out notice against R-7 herein by way of Paper Publication in "VARTHA" Telugu daily, to be complied with on or before 31st January 2007. Post on 31-01-2007."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Chairman, III Motor Vehicles Accidents Claims Tribunal at Warangal.
2. The Branch Manager, National Insurance Company Ltd., H.No. 3-3-42, 1st Floor, Vir Savarkar Marg, Kachiguda, Hyderabad.
3. Smt. A.Rama Mani, W/o. Late A.Sudhakar, R/o. Naimnagar, Hanamkonda of Warangal City. (for herself and on behalf of A.Jeevan Raju, A.harikrishna & A.Tharam, being minors)
4. Smt. A.Kankamma, W/o. Late Mogulaiah, R/o Naimnagar, Hanamkonda of Warangal City.
5. Buduma Narsimha, S/o. Kotaiah, R/o. Mallaram Village, Bommala Ramaram Mandal, Nalgonda District.
6. Bathula Raja Gopal Reddy, S/o. Thirupathi Reddy, R/o. H.No. 3-43/G, Nagaram Village of Keesara Mandal, Ranga Reddy District.
7. The Branch Manager, Oriental Insurance Company ltd., J.P.N.Road, Warangal – 506 002.
8. Akavaram Saroja, W/o. Dr.A.L.N.Chary, R/o. H.No. 1-8-519, Balasamudram, Hanamkonda, Warangal District.
9. Akavaram Srinivas, S/o. Dr. A.L.N.Chary, R/o. H.No. 1-8-519, Balasamudram, Hanamkonda, Warangal District.
10. Smt. B.Durga Bai, W/o. Late B.Samba Murthy, R/o. Industrial Colony, Narasaraopet Road, Warangal. (for herself and on behalf of Kumari B.Srujana, Kumari B.Sruthi & Kumari B.Sruma, being minors)
11. Smt. B.Uppalamma, W/o. B.Komuraiah.
12. Kumari B.Komuraiah, S/o. Ellaiah.
    (11 & 12 are R/o. Industrial Colony, Narasaraopet Road, Warangal).
13. Smt. V.Ramapreethi Krishna, W/o. Late Dr. V.Malleshwar, R/o. Ganesh Colony, Deshaipet Road, Warangal. (for herself and on behalf of Kum. V.Sravan & Kum.V.Swetha, being minors)
14. Smt. V.Susheela, W/o. Ramalingam, R/o. Ganesh Colony, Deshaipet Road, Warangal.
15. V.Ramalingam, S/o. Gopaiah, R/o. Ganesh Colony, Deshaipet Road, Warangal.
16. One CC to Sri T.Mahender Rao, Advocate, High Court of A.P., Hyderabad. (**By Spl. Messenger**)
17. One CC to Sri G.Anandam, Advocate(OPUC)
18. One CC to Sri Ch.Purna Chandra Rao, Advocate(OPUC)
19. One CC to Sri Mrs. A.Anasuya, Advocate(OPUC)
20. Two spare copies.

SAH

HIGH COURT

TMKJ & NVRJ

DATED: 22-12-2006

NOTE: POST ON 31-01-2007

ORDER

CMA.NOS. 1354, 1356, 1358 & 1363 OF 2004

DIRECTION

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 06-01-2007

HIGH COURT

TMKJ & NVRJ

DATED: 22-12-2006

NOTE: POST ON 31-01-2007

ORDER

CMA.NOS. 1354, 1356, 1358 & 1363 OF 2004

DIRECTION